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FOR MICHAEL J. MATHESON, UNESCO DELEGATION

FOLLOWING IS REPEAT LAGOS 12301, SENT SECSTATE, USUN
28 OCT 76:

QUOTE LIMITED OFFICIAL USE LAGOS 12301

E.O. 11652: N/A

TAGS: PFOR, PDIP, UN, NI, US

SUBJECT: STATUS OF CERTAIN MEMBERS OF NIGERIAN UN MISSION AND
WASHINGTON EMBASSY

REF: (A) USUN 4655 (B) LAGOS 12068

SUMMARY: MEA ELABORATED ON ITS REQUEST THAT BRANCH "B" OFFICERS IN
NIGERIAN UN MISSION AND EMBASSY WASHINGTON BE ISSUED DIPLOMATIC
IDENTITY CARDS. AMONG THE SEVERAL REASONS USED TO BUTTRESS NIGERIAN
CASE, OFFICIAL CITED TWO INTERNATIONAL ACCORDS AND FACT THAT PRE-
VIOUSLY SUCH OFFICERS HAD BEEN ISSUED DIPLOMATIC ID CARDS IN WASH.
PROTOCOL ALSO MADE POINTED REFERENCE TO USE OF U.S. EMBASSY LAGOS
COMMISSARY BY STAFF MEMBERS WHO DO NOT HAVE DIPLOMATIC STATUS.
URGE DEPARTMENT AND USUN TAKE ANOTHER LOOK AT NIGERIAN REQUEST AND
PROVIDE US GUIDANCE TO ENABLE US RESPOND TO MEA. END SUMMARY.

1. DURING OCTOBER 27 MEETING WITH MEA PROTOCOL DEPARTMENT,
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ADDITIONAL DETAILS OF NIGERIAN COMPLAINT EMERGED. INFORMATION

PROVIDED REF A MOST HELPFUL. AS USUN SURMISED, MEA IS INDEED REFERRING TO QUESTION OF DIPLOMATIC STATUS OF OFFICERS IN BOTH NIGERIAN UN MISSION AND NIGERIAN EMBASSY WASHINGTON. TOTAL NUMBER OF INDIVIDUALS INVOLVED IN SEVEN: FOUR IN NEW YORK AND THREE IN WASHINGTON.

2. ACCORDING TO PROTOCOL, NIGERIAN FOREIGN SERVICE CONSISTS OF FOUR CATEGORIES OF OFFICERS:

(A) BRANCH "A" OFFICERS MADE UP OF "POLITICAL" OFFICERS CHARGED WITH REPRESENTING FMG ABROAD;

(B) BRANCH "B" OFFICERS WHO ARE CONSULAR, VISA, EXECUTIVE AND CIPHER OFFICERS;

(C) BRANCH "C" OFFICERS WHO ARE SECRETARIES AND ARCHIVISTS; AND

(D) BRANCH "D" OFFICERS WHO ARE JUNIOR OFFICERS AND TRAINEES.

THE SEVEN OFFICERS ABOUT WHOM NIGERIA IS CONCERNED AT THE MOMENT ARE BRANCH "B" OFFICERS. PROTOCOL OFFICER MADE THE POINT THAT SEVERAL MEMBERS OF THE AMERICAN EMBASSY STAFF HERE WHO FALL INTO THE SAME CATEGORY (E.G. COMMUNICATORS) ARE ISSUED DIPLOMATIC ID CARDS BY FMG. WHEN IT WAS POINTED OUT SUCH OFFICERS ARE HOLDERS OF UNITED STATES DIPLOMATIC PASSPORTS, OFFICIAL SAID IT CONTRARY TO FMG REGULATIONS TO ISSUE THE SEVEN NIGERIAN OFFICERS DIPLOMATIC PASSPORTS. MEA OFFICIAL VOLUNTEERED THAT ISSUANCE OF DIPLOMATIC PASSPORTS WAS ONE OF THE TWO OPTIONS SUGGESTED BY NIGERIAN UN MISSION, BUT THIS HAD BEEN REJECTED BY MEA. SECOND OPTION WAS FOR MEA TO DISCUSS THE "PROBLEM" WITH AMERICAN EMBASSY IN LAGOS.

3. MEA IS ASKING THAT USG ISSUE DIPLOMATIC ID CARDS TO THE SEVEN OFFICERS IN QUESTION. IN MAKING HIS PITCH, THE OFFICIAL MADE FOLLOWING POINTS:

(A) IN VIEW OF FMG, THE SEVEN OFFICERS ARE MEMBERS OF THE NIGERIAN DIPLOMATIC STAFF.

(O) BRANCH "B" OFFICERS NEED DIPLOMATIC ID CARDS TO PERMIT THEM TO CARRY OUT THEIR OFFICIAL DUTIES. MEA UNAWARE THAT USUN HAD ISSUED PASSES BUT OFFICIAL DISMISSED THIS AS SOLUTION WITH COMMENT, "IT ISN'T WORKING." PRESSED FOR EXAMPLES, PROTOCOL INSISTED THAT NIGERIANS WERE BEING STOPPED BY POLICE AT AIRPORT AND PREVENTED FROM MEETING ARRIVING OFFICIALS AND EXCHANGING DIPLOMATIC POUCHES.

(C) MEA, ACCORDING TO PROTOCOL, IS NOT CONCERNED WHETHER OFFICERS ARE CARRIED IN OFFICIAL DIPLOMATIC LIST OR EVEN LIMITED OFFICIAL USE

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IF THEY ARE GRANTED IMPORT PRIVILEGES OR EXEMPTION FROM TAXES, ALTHOUGH IN CASES OF IMPORT PRIVILEGES AND TAXES, "IT WOULD BE NICE IF THEY WERE." (COMMENT: IT WOULD BE HELPFUL FOR US TO KNOW EXACTLY WHAT PRIVILEGES ACCRUE TO HOLDERS OF DIPLOMATIC ID CARDS. IT MAY BE THAT MEA BELIEVES THAT ONCE OFFICIALS ARE ISSUED DIPLOMATIC ID CARDS OTHER PRIVILEGES WILL AUTOMATICALLY FOLLOW. END COMMENT.)

(D) MEA BASES ITS REQUEST THAT OFFICERS RECEIVE ID CARDS ON TWO INTERNATIONAL ACCORDS:

(1) SECTION 15, PARA 2 OF UN HEADQUARTERS AGREEMENT OF 1947 WHICH STATES THAT UPON AGREEMENT OF UNSYG, USG AND SENDING GOVERNMENT, MEMBERS OF UN MISSIONS' RESIDENT STAFF MAY BE GRANTED DIPLOMATIC PRIVILEGES AND IMMUNITIES; AND

(2) ARTICLE 37, PARA 2 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS WHICH STATES THAT MEMBERS OF ADMINISTRATIVE AND TECHNICAL STAFFS OF MISSIONS SHALL ENJOY DIPLOMATIC PRIVILEGES AND IMMUNITIES ENUMERATED IN ARTICLES 29-35 EXCEPT THAT IMMUNITIES FROM CIVIL AND ADMINISTRATIVE JURISDICTION SHALL NOT EXTEND TO ACTS WHICH OCCUR OUTSIDE THE COURSE OF THEIR DUTIES. (COMMENT: PROTOCOL OFFICIAL DID NOT MENTION IT BUT THIS SECTION FURTHER SEEMS TO STATE THESE OFFICIALS ARE ENTITLED ONLY TO FIRST-TIME DUTY FREE IMPORTS. END COMMENT).

(E) SOME BRANCH "B" OFFICERS RECEIVE SALARIES FAR IN EXCESS OF THAT OF SOME BRANCH "A" OFFICERS WITH DIPLOMATIC TITLES.

(COMMENT: IT WAS NOTED THAT A SIMILAR SITUATION EXISTS IN UNITED STATES FOREIGN SERVICE. END COMMENT.).

(F) UNTIL LAST YEAR BRANCH "B" OFFICERS IN WASHINGTON WERE ISSUED DIPLOMATIC ID CARDS BY DEPARTMENT.

4. IN RESPONSE TO OBSERVATION THAT USUN UNAWARE OF ANY AIRPORT PROBLEM, MEA OFFICIAL REFERRED TO EXCHANGE OF LETTERS EARLIER THIS YEAR BETWEEN AMBASSADOR HARRIMAN (MARCH 30) AND GOVERNOR SCRANTON (APRIL 8) WHICH ADDRESSED THE AIRPORT PROBLEM AS WELL AS DIPLOMATIC STATUS.

5. AT CONCLUSION OF CONVERSATION, PROTOCOL OFFICIAL POINTEDLY REMARKS THAT MEA AWARE THAT MEMBERS OF THE AMERICAN EMBASSY LIMITED OFFICIAL USE

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STAFF IN LAGOS WHO DO NOT HAVE DIPLOMATIC STATUS ARE NEVERTHELESS ENJOYING "CERTAIN FACILITIES." (COMMENT: ALTHOUGH SUBJECT NOT PURSUED, IT WAS QUITE CLEAR THAT OFFICIAL WAS REFERRING TO USE OF EMBASSY COMMISSARY BY STAFF MEMBERS WHO DO NOT HAVE DUTY FREE IMPORT PRIVILEGES).

6. COMMENT: WE UNABLE TO JUDGE AT THIS STAGE WHETHER FMG WOULD SERIOUSLY CONTEMPLATE MAKING AN ISSUE OF NON-DIPLOMATIC USE OF EMBASSY COMMISSARY. NEITHER DO WE HAVE ANY INDICATION THAT FMG CONSIDERING BARRING HOLDERS OF OFFICIAL PASSPORTS FROM RESTRICTED AREAS OF LAGOS AIRPORT (REFTEL B). HOWEVER, IN VIEW OF SERIOUSNESS WITH WHICH MEA OBVIOUSLY VIEWS ITS REQUEST THAT BRANCH "B" OFFICERS BE ISSUED DIPLOMATIC ID CARDS, THE POSSIBILITY OF RETALIATORY ACTION CANNOT BE RULED OUT. WHILE WE CANNOT EVALUATE REMEDICATIONS

OF ISSUEING THESE SEVEN OFFICERS DIPLOMATIC ID CARDS, WE NEVERTHELESS
URGE DEPARTMENT TO TAKE ANOTHER LOOK AT NIGERIAN REQUEST AND EXPLORE
MATTER FURTHER WITH HEADS OF CHANCERY EMBASSY AND NIGERIAN
UN MISSION, PROVIDING US WITH GUIDANCE TO RESPOND TO
MEA HERE. EASUMUNQUOTE. KISSINGER

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